

From: David J. Looney
To: Microsoft ATR
Date: 12/6/01 9:26pm
Subject: Inadequacy of Proposed Settlement with Microsoft

To Whomever It May Concern:

I can find no other word than "betrayed" to describe my feelings concerning the U.S. Government's accomodation of Microsoft's monopolistic practices. If this settlement is approved, it is clear that no software innovation will be safe from assimilation, that consumers will never be given any chance of preloading other operating systems on PC architecture computers by major vendors, nor have any respite from paying for Microsoft operating system software when purchasing laptops, even if they do not intend to use the software at all.

Here is a company that has used pricing practices for over a decade to make it economic suicide for any hardware vendor to offer alternative operating systems (as much as 400% pricing differential in many markets), sneering at the settlement reached in the previous DOJ action (concerning per cpu licensing), continuing to effectively enforce severe penalties through pricing against any company that would offer the consumer a choice.

Here is a company that has routinely precluded development for alternative platforms (e.g. OS/2 in the past) as a condition of participation in programs for development support, and which currently seeks to prohibit the use of any open source tools in conjunction with Microsoft development tools. Microsoft deliberately introduced seemingly pointless changes to revisions (erroneously termed "upgrades") of the Windows 3.x series to "break" compatibility with OS/2 and to prevent or make difficult the use of DR DOS. While Caldera successfully sued, all of us consumers were still stuck with the inconvenience and left without compensation.

Here is a company which stated in leaked memos that the way to increased control was to subvert standards (the "Halloween" memo), introducing proprietary changes or alternatives, in an effort to control communication over the internet, force adoption of Microsoft server software, over more dependable and "free" software, and generally turn the internet from a public freeway into a corporate toll road.

Here is a company that represented fabricated video in court to a U.S. judge as the truth.

Here is a company that has also chosen to "borrow", rather than innovate. The basic graphical user interface was clearly inspired by the Apple Macintosh, in turn derived from Xerox. The basic taskbar and menu interface added to Windows/95/98/Me/Xp was essentially a duplicate of the Lotus Smartbar system. When Microsoft wanted disk compression, they stole it from Stac, and didn't even consider doing that until it was first introduced by DR DOS. Whey Microsoft wanted a browser, they stole if from Spyglass (not paying agreed upon fees), and stole the name from an ISP which they drove out of business over the trademark of "Internet Explorer". Here is a company that looses again and again in court (most recently to a new England software development company over restrictions on software tools) and finds it cheaper to pay than play right. It was laughable to see Microsoft touting implementation of voice controls and an "Internet Desktop", years after a truly internet integrat!
ed and voice enabled desktop was introduced in OS/2 Warp. The only innovation introduced by Microsoft has been an incredibly fertile breeding ground for computer viruses and worms, preying upon Microsofts' operating systems fundamental lack of security and ill-considered capabilities built into email clients, browsers, and servers.

Here is a company that, when their browser didn't stack up against Netscape's, made it mandatory, "integrated" with the operating system. When they realized that video real estate on the installed OS screen was valuable, they loaded that icons generally useless and annoying to the consumers, and sought to control even the bootup screen. While initially making some concessions to hardware manufacturers, just how quickly do you think Microsoft will backpedal once they secure the proposed love-pat-on-the-wrist settlement ? They've already begun. How long before "SmartTags" reappear, changing the content of the web pages viewed tailored to the tastes of Microsoft, or those who pay Microsoft to change it, while tracking your every movement on the web, and cross-referencing your internet excursions with your credit card, password, and other information in their Passport database, the use of which is built into WindowsXP.

Their offer to donate software to disadvantaged schools reeks to the heavens of self-service. It is the largess of the cat as it plays with the mouse. The schools are the last place where Microsoft still faces significant competition (Apple). How convenient to be donating completely Microsoft systems. What a "penalty" for them to endure.

Why not make Microsoft purchase Apple computers for every school in the US (running MacOS/X), and/or hardware capable of running the Linux operating system, which RedHat Software has agreed to donate free to every school in the country. That would make some sense, and at least show our children that they do have a choice. Do that, and make Microsoft agree to an absolutely open pricing structure, with only some capped volume discounts (i.e. top level over >1000 copies \$\$\$/copy), no special deals or contracts, everyone can buy the same volume for the same price, under penalty of breakup of the company. Ban Microsoft from including restrictive agreements with software developers - let them offer any incentives to develop for Microsoft operating systems they want, but don't allow them to offer disincentives or prohibit developers from targeting other platforms.

Then we would see just how far the quality of Microsoft's software would carry it.

I am not a computer professional, and I have no financial interest in any of Microsofts' competitors. I'm just a computer user, who doesn't like Microsoft's software "solutions" or their behavior.

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